

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Mary Oberther, *on behalf of herself and all
others similarly situated,*

Plaintiff,

v.

Midland Credit Management, Inc., Midland
Funding, LLC, and Encore Capital Group, Inc.

Defendants.

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: Civil Action No.: 3:14-cv-30014
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NOTICE OF SUPPLEMENTAL RELEVANT AUTHORITY

Plaintiff Mary Oberther (“Oberther”) respectfully alerts the Court to a decision by the First Circuit Court of Appeals in the matter Pollard v. Law Office of Mandy L. Spaulding, No. 13-2478 (1st Cir.) a copy of which is attached as Exhibit A (the “Decision”). Undersigned counsel represents the Plaintiff in the Pollard matter.

In the Decision, the First Circuit held that whether or not a collection letter violates the FDCPA is determined from the perspective of the “hypothetical unsophisticated consumer.” Ex A at 10-21 (setting forth the standard and applying the standard to a collection letter). Prior to the Decision, the First Circuit had not addressed this standard directly. Further, the Court of Appeals analyzed overshadowing under 15 U.S.C. § 1692g(b) and the Court’s discussion may aid the Court here on the pending motion to dismiss.

Dated: September 8, 2014

Respectfully submitted,
By /s/ Sergei Lemberg
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CERTIFICATE OF SERVICE

This is to certify that, on September 8, 2014, the foregoing was served through the
CM/ECF system on the following:

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